

This matter is before the Court for determination of SLR's Motion to Compel the Deposition of Stuart Lichter (the "**Motion**"). SLR filed its Motion on January 20, 2014, and Memorandum in support of its Motion on January 31, 2014. Smithfield and IRG filed their Memorandum in Opposition to SLR's Motion (the "**Memorandum**") on February 4, 2014. SLR seeks leave of this Court to file the attached Reply to Smithfield's and IRG's Memorandum to address new arguments raised for the first time.

While the Local Rules of this Court do not generally contemplate reply briefs in discovery disputes, this Court has granted motions for leave to file reply briefs in discovery disputes upon a showing of good cause.²

In their Memorandum, Smithfield and IRG argue that SLR failed to certify that counsel has in good faith attempted to resolve the dispute without this Court's intervention, SLR's Motion is premature, the Motion fails to meet the procedural requirements set forth in Local Rule 7.1(d), and the Motion is moot. In fairness, SLR respectfully requests that it be afforded an opportunity to reply to Smithfield's and IRG's meritless arguments in order to present the fullest and most complete factual picture upon which the Court can evaluate the parties' arguments, particularly since SLR is the party seeking to compel the discovery in this matter. Therefore, the attached Reply is appropriate, and SLR should be permitted to respond to new arguments raised for the first time in Smithfield and IRG's Memorandum.

Permitting SLR to file a reply to Smithfield and IRG's Memorandum will not unduly burden this Court and will assure the most appropriate resolution of this matter. The interests of justice would best be served by granting this request.

Based on these considerations, SLR respectfully requests that the Court grant it leave to file the attached Reply, a copy of which is attached hereto as **Exhibit "A"**, for the limited purpose of responding to Smithfield's and IRG's new arguments.

² *SMD Software, Inc. v. EMove, Inc.*, 5:08-CV-403-FL, 2011 WL 2491208, at *4, fn. 3 (E.D.N.C. June 22, 2011).

WHEREFORE, SLR respectfully requests that this Court grant it leave to file the Reply attached hereto as **Exhibit "A."**

This 7th day of February, 2014.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on February 7, 2014, a true and correct copy of the foregoing instrument has been sent to the following attorneys of record, pursuant to Rule 5b, FED.R.CIV.P.:

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